

# **NH Department of Health and Human Services**

## **Therapeutic Cannabis Program**

### **Petitions for Approval of a Severely Debilitating or Terminal Medical Condition**

### **Not Listed as a Qualifying Medical Condition**

### **Information Sheet**

#### **Introduction**

[RSA 126-X:1, IX\(b\)](#) allows the NH Department of Health and Human Services (Department) to add medical conditions which are not listed as “qualifying medical conditions” under RSA 126-X:1, IX(a) to the list of eligible conditions for the Therapeutic Cannabis Program. Administrative rule [He-C 401.09](#) establishes the process for medical providers to request the addition of such conditions through a petition process.

#### **Who May Submit a Petition?**

The Department will accept petitions from medical providers, as defined in RSA 126-X:1, VII(a). This includes physicians and advanced practice registered nurses (APRN) who are licensed in New Hampshire, Maine, Massachusetts, or Vermont, to prescribe drugs to humans and who possess an active registration from the US Drug Enforcement Administration (DEA) to prescribe controlled substances.

#### **When May a Petition Be Submitted?**

Petitions may be submitted to the Department throughout the months of January and July, beginning in January 2017.

#### **What Must a Petition Contain to be Accepted for Consideration?**

Petitions must contain all the following elements:

- (1) A detailed justification for including a new medical condition as a qualifying medical condition;
- (2) A description of the extent to which the medical condition is generally accepted by the medical community as a valid, existing medical condition, and is considered severely debilitating or terminal;
- (3) If one or more treatments for the condition, rather than the condition itself, are alleged to be the cause of suffering, a description of the extent to which the treatments causing suffering are generally accepted by the medical community as valid treatments for the condition;

- (4) A description of the symptoms caused by the condition or treatments thereof and the extent to which the condition or the treatments thereof cause elevated intraocular pressure, cachexia, chemotherapy-induced anorexia, wasting syndrome, severe pain that has not responded to previously prescribed medication or surgical measures or for which other treatment options produced serious side effects, constant or severe nausea, moderate to severe vomiting, seizures, or severe, persistent muscle spasms. Such symptoms may be either related to a specific patient or those typically experienced by patients who have the condition or are receiving treatments therefor;
- (5) A description of the availability, or lack thereof, of conventional medical treatments, other than those that cause suffering, to alleviate suffering caused by the condition or the treatment thereof;
- (6) A description of the extent to which evidence that is generally accepted among the medical community (e.g., peer-reviewed medical literature) and other experts (e.g., professional guidelines) supports a finding that the use of cannabis alleviates suffering caused by the condition or the treatment thereof; and
- (7) A description of any information or studies known to the petitioner regarding health effects, including any beneficial or adverse effects, from the use of cannabis in patients with the medical condition that is the subject of the petition.

In addition, a petition must contain the following information about the requesting provider:

- Full name
- Professional degree (i.e., MD, DO, APRN)
- Name of medical practice
- Office mailing address
- Office telephone number
- Office or provider email
- State license number
- US DEA registration number
- Medical specialty
- Provider's signature

### **Will a Petition Be Considered Confidential?**

Personal health information about a specific patient or patients should not be submitted as part of a petition. If present, any information contained in a petition that does identify a specific patient or patients will be confidential and exempt from disclosure under RSA 91-A.

Information not related to a specific patient or patients may be made available to the public.

### **How Will I Know if a Petition is Accepted for Consideration?**

The Department will provide written notice to the petitioner whether the petition is accepted or rejected for consideration.

### **Why Would a Petition Be Rejected for Consideration?**

A petition would be rejected for consideration if:

1. The petition is not received in the months of January or July;
2. The petition does not contain all of the required elements established above, and in He-C 401.09(c); or
3. The medical condition in the petition has been previously considered and rejected by the Department, unless the petition contains new scientific evidence or research, or describes substantially different symptoms, not previously considered in an earlier petition.

### **Will There Be a Public Hearing on the Petition?**

A public hearing will be scheduled for all petitions accepted for consideration. Notice of public hearings will be published at least 20 days before the hearing date on the Department's Therapeutic Cannabis Program web page: <http://www.dhhs.nh.gov/oos/tcp/index.htm>. Notice will include the date, time, and location of the hearing, and the condition(s) that will be considered.

### **How Long Will it Take for a Decision to Be Made on a Petition?**

The Department will issue a written decision for each petition that was accepted for consideration. Written decisions will take up to 120 days to issue. For example:

- Decisions on petitions received in January will be issued by the end of May.
- Decisions on petitions received in July will be issued by the end of November.

### **When Will the Addition of an Approved Condition Become Effective?**

An approved condition will become effective upon the issuance of a decision to include the condition as a qualifying medical condition.

### **Will an Approved Condition Be Available to All Individuals?**

A condition that has been approved by the Department as a qualifying medical condition will be available to all individuals who apply for a registry identification card as a qualifying patient.

### **Can a Denied Petition Be Appealed?**

A petition that is rejected for consideration may not be appealed. A petition that has been accepted for consideration, and for which a decision has been issued not to add the condition, may be appealed.

**How Are Petitions To Be Submitted?**

Utilize the form entitled: "Petition for Approval of a Severely Debilitating or Terminal Medical Condition Not Listed as a Qualifying Medical Condition."

Please submit petitions by email to DHHS at: [michael.holt@dhhs.nh.gov](mailto:michael.holt@dhhs.nh.gov). Petitions may also be sent via regular mail to the following address:

NH Department of Health and Human Services  
Therapeutic Cannabis Program – Petitions  
129 Pleasant Street  
Concord, NH 03301